

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2022-AKL-000073

**I MUA I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

IN THE MATTER of the Resource Management Act 1991
(RMA)

AND

IN THE MATTER an appeal under Clause 14(1) of the First
Schedule of the Act

BETWEEN **WAIKATO REGIONAL COUNCIL**
Appellant

AND **WAIKATO DISTRICT COUNCIL**
Respondent

**NOTICE OF RANGITAHĪ LIMITED, RAGLAN LAND COMPANY LIMITED
AND SCENIC PROPERTIES 2006 LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

Dated: 22 March 2022

Solicitors on Record

WYNN WILLIAMS LAWYERS
SOLICITOR — MIKE DOESBURG

PO Box 2401, Shortland Street, Auckland 1140
P 09 300 2600 F 09 300 2609 E mike.doesburg@wynnwilliams.co.nz

Counsel

Dr R A MAKGILL
BARRISTER

PO Box 77-037, Mt Albert, Auckland 1350
P 09 815 6750 E robert@robertmakgill.com

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To The Registrar
Environment Court
Auckland

Name of Person who wishes to be Party

1. Rangitahi Limited (**Rangitahi**), Raglan Land Company Limited (**RLC**) and Scenic Properties 2006 Limited (**Scenic**) wish to be a party to the following proceedings:
 - a. ENV-2022-AKL-000073 - An appeal by Waikato Regional Council (**WRC**) against Waikato District Council's (**WDC**) decisions on Significant Natural Areas and Flood Plain Management Areas under the Proposed Waikato District Plan (**PWDP**).
2. Rangitahi:
 - a. Is a person with an interest in the proceedings greater than the general public, being the owner of Rangitahi Peninsula Zone (**RPZ**) land affected by the appeal; and
 - b. Made submissions and further submissions on the PWDP, including the RPZ affected by the appeal.
3. RLC and Scenic are persons with an interest in the proceedings greater than the general public, being the owners of Future Urban Zone (**FUZ**) and Rural Zone land affected by the appeal.
4. Rangitahi participated in the District Plan hearing processes for the RPZ (Hearing 23), Raglan Rezoning (Hearing 25), and Coastal Hazards - (Hearing 27D).
5. The WRC's proposed changes to the Significant Natural Area provisions would result in uncertainty for landowners and have the potential to

inappropriately constrain Rangitahi's development of the RPZ, and RLC's future development of the FUZ.

Trade competition

6. Rangitahi, RLC and Scenic are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**RMA**).

The Proceeding

7. Rangitahi, RLC and Scenic are interested in all of the proceedings.

Particular Issues

8. Rangitahi, RLC and Scenic are particularly interested in the following issues:
 - a. The mapping of Significant Natural Areas (**SNAs**) in the PWDP;
 - b. The proposed classification of Significant Natural Areas where they are not mapped in the PWDP.

Relief sought

9. Rangitahi, RLC and Scenic oppose the relief sought under WRC's Notice of Appeal and seek that the relief sought by WRC is declined.

Reasons for relief sought

10. Rangitahi, RLC and Scenic's reasons for the relief sought include:
 - a. The outcome sought by WRC:
 - i. Is inconsistent with the sustainable management purpose of the Act;
 - ii. Would result in uncertainty for Rangitahi, RLC, Scenic and other landowners; and
 - iii. Would have an adverse effect on the use of the RPZ and FUZ land for future urban development and housing supply.

- b. The amendments made to the SNAs within the RPZ in the Hearing Panel's decision were based on verification by WDC following a site visit held as part of the PWDP hearing process.
- c. The Hearing Panel was correct in finding that SNAs should be limited to areas which are mapped in the PWDP.
- d. Applying the SNA classification to unmapped areas would create uncertainty as to compliance with and enforcement of the PWDP's rules.
- e. An activity status should be plain on the face of a plan and not dependent on a separate assessment outside Schedule 1 of the Act (e.g., the Appendix 2 criteria for determining significance of indigenous biodiversity).
- f. Subdivision provisions for the RPZ include assessment criteria which appropriately address ecological effects (SUB-R136(1)(g)).

Dispute resolution

- 11. Rangitahi, RLC and Scenic agree to participate in mediation or other alternative dispute resolution of the proceedings.



.....
M J Doesburg

Solicitor for Rangitahi Limited, Raglan Land Company Limited and Scenic Properties 2006 Limited

Date: 22 March 2022

Address for service of Person wishing to be a Party

Wynn Williams
Level 25, Vero Centre
48 Shortland Street
Auckland 1010

PO Box 2401

Shortland Street

Auckland 1140

Telephone: 09 300 5755

Email: mike.doesburg@wynnwilliams.co.nz

Contact person: Mike Doesburg

Copy to Dr Robert Makgill

Barrister

Email: robert@robertmakgill.com